

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
OCTOBER 15, 2013
5:00 P.M.**

ACTION AGENDA

Location: City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point, California 92629

Next City Council Ordinance No. 13-03

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Weinberg at 5:01 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

ROLL CALL OF CITY COUNCIL MEMBERS:

Steven H. Weinberg, Mayor
Lisa A. Bartlett, Mayor Pro Tem
William P. Brough, Council Member
Carlos N. Olvera, Council Member
J. Scott Schoeffel, Council Member

CLOSED SESSION

City Attorney Munoz indicated that there was a need for a Closed Session as follows:

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (2 cases)
- B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code § 54956.8

Location: 26315 and 26351 Via Canon
Agency Negotiator: Douglas C. Chotkevys, Mike Killebrew, Ursula Luna-Reynosa
Negotiating Parties: City of Dana Point and Brandywine Homes; Integral Communities;
and Stonefield Development, and Lighthouse Charitable Foundation
Under Negotiation: Price and terms of a possible agreement relating to property

Mayor Weinberg recessed the meeting into a Closed Session at 5:02 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Weinberg reconvened the meeting at 6:10 p.m. All Council Members were present.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy Ward, City Clerk; Mike Killebrew, Assistant City Manager; Mike Rose, Director of Disaster Preparedness; Lt. Lynn Koehmstedt; Ursula Luna-Reynosa, Director of Community Development; Brad Fowler, Director of Public Works/Engineering; Kevin Evans, Director of Community Services and Parks; Christy Teague, Economic Development Manager; John Tilton, City Architect; Mark Sutton, Building Official; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that he had no announcement.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Brough.

INVOCATION

The Invocation was provided by Reverend Brendan Manson of St. Edward the Confessor Catholic Church.

PRESENTATIONS AND PROCLAMATIONS

October Business of the Month – Gen Kai
October Employee of the Month – Gail Roseen

CONSENT CALENDAR

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM BARTLETT, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR.

The motion carried by the following vote:

AYES: Council Member William Brough, Council Member Carlos N. Olvera, Council Member Scott Schoeffel, Mayor Pro Tem Lisa Bartlett and Mayor Steven Weinberg

NOES: None

ABSENT: None

1. WAIVE THE READING OF ORDINANCES AND APPROVE READING BY TITLE ONLY

APPROVED THE READING BY TITLE ONLY OF ALL ORDINANCES ON THE CONSENT CALENDAR AND THAT FURTHER READING OF SUCH ORDINANCES BE WAIVED.

2. REGULAR MEETING MINUTES, OCTOBER 1, 2013

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING ACTIONS, SEPTEMBER 23, 2013

RECEIVED AND FILED.

4. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

5. CITY TREASURER'S REPORT, SEPTEMBER 2013

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF SEPTEMBER, 2013.

6. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

7. DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT QUARTERLY REPORT FOR JULY – SEPTEMBER 2013

RECEIVED AND FILED THE QUARTERLY REPORT.

8. AWARD OF CONTRACT FOR PLANNING STAFF CONSULTING SERVICES

APPROVED AN AMENDMENT (THE "FIRST AMENDMENT") TO THE AGREEMENT FOR CONTRACTOR SERVICES BY AND BETWEEN THE CITY OF DANA POINT AND THE PLANNING CENTER DC&E (THE "CONTRACT") AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT.

9. FISCAL YEAR 2013-14 PROPOSED BUDGET ADJUSTMENTS

AMENDED THE FY 2013-14 ("FY14") GENERAL FUND AND CAPITAL IMPROVEMENTS FUND BUDGETS BY AUTHORIZING THE CARRY-OVER AND RE-APPROPRIATION OF ENCUMBERED AND UNENCUMBERED FROM FY13 TO FY14.

PUBLIC COMMENTS

Barbara Johannes

PUBLIC HEARINGS

10. **ADOPTION BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2013 EDITION OF THE CALIFORNIA BUILDING CODE, 2013 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2013 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2013 EDITION OF THE CALIFORNIA PLUMBING CODE, 2013 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2013 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2013 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2013 EDITION OF THE CALIFORNIA ENERGY CODE, 2013 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2013 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2013 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2013 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS.**

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM BARTLETT, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AND INTRODUCE A FIRST READING OF AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTERS 8.02, 8.03, 8.14, 8.16, 8.20, 8.24, 8.28, 8.30, 8.32, 8.34, 8.36 AND 8.38 OF TITLE 8 OF THE DANA POINT MUNICIPAL CODE ADOPTING BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2013 EDITION OF THE CALIFORNIA BUILDING CODE, 2013 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2013 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2013 EDITION OF THE CALIFORNIA PLUMBING CODE, 2013 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2013 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2013 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2013 EDITION OF THE CALIFORNIA ENERGY CODE, 2013 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2013 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2013 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2013 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS; and

ADOPT RESOLUTION 13-10-15-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, SETTING FORTH FINDINGS WITH RESPECT TO LOCAL CONDITIONS WITHIN THE CITY OF DANA POINT WHICH MAKE CERTAIN MODIFICATIONS AND CHANGES TO THE CALIFORNIA BUILDING CODE, CALIFORNIA RESIDENTIAL CODE, THE CALIFORNIA PLUMBING CODE, THE CALIFORNIA MECHANICAL CODE, THE CALIFORNIA ELECTRICAL CODE, CALIFORNIA GREEN BUILDING STANDARDS CODE AND THE CALIFORNIA FIRE CODE AND FIRE CODE STANDARDS REASONABLY NECESSARY FOR DIFFERENT OCCUPANCIES; and

Instruct the Building Official to file the Resolution with the California Building Standards Commission and a copy to the California Department of Housing and Community Development.

The motion carried by the following vote:

AYES: Council Member William Brough, Council Member Carlos N. Olvera, Council Member Scott Schoeffel, Mayor Pro Tem Lisa Bartlett and Mayor Steven Weinberg

NOES: None

ABSENT: None

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

There were no New Business items.

PUBLIC COMMENTS (Continued)

There were no additional Public Comments received.

STAFF REPORTS

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Weinberg declared the meeting adjourned at 6:46 p.m. and announced that the next Regular Meeting of the City Council will be held on November 5, 2013, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.